



DT06 Rec'd PCT/PTO 15 OCT 2002

Receipt

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#6

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Frederick A. Epler, )  
et al. )  
U.S. Appln. No.: 09/807,779 ) Group: 2642  
U.S. Filing Date: September 18, 2001 ) Examiner: not yet assigned  
(as amended) )  
International Application No: )  
PCT/US98/22051 )  
International Filing Date: ) Our Ref: B-4141PCT 618624-4  
19 October 1998 )  
For: "ENHANCED CALL WAITING" ) Date: October 9, 2002

Box DAC  
Commissioner for Patents  
Washington, D.C. 20231

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Sir:

Technology Center 2600

PETITION UNDER 37 C.F.R. § 1.10

The "Response to the NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" for the subject application was submitted pursuant to the Express Mail Procedure of 37 CFR 1.10. The "Response to the NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" was deposited with the United States Postal Service (USPS) in an Express Mail envelope with sufficient postage for Express Mailing on September 18, 2001 pursuant to 37 CFR 1.10, but the returned postcard and official filing receipt (copies enclosed) indicate that the United States Patent and Trademark Office (USPTO) considered the filing date to be September 19, 2001.

Enclosed is a copy of the "Response to the NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" from our files. The "Response to the NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" contains a Certification of Express Mailing Date under

37 CFR 1.10 and proper reference to Express Mail Label Number EL915796276US as required by Section 1.10. This information is also contained in the files of the United States Patent and Trademark Office.

Karyn Lao, the person mailing the papers pursuant to 37 CFR 1.10, has signed a verified statement that the "Response to the NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" was deposited with the USPS in an Express Mail envelope with sufficient postage for Express Mailing on September 18, 2001. The signed verified statement signed by Karyn Lao is attached.

Also enclosed is a letter from Phil Cascio, a manager of the USPS, indicating that September 18, 2001 is the correct "sign in" date. Attached to the letter are copies of the Express Mail Label Number EL915796276US returned from the USPS and PS Form 5541. It should be noted that the "sign in" clerk at the USPS inadvertently indicated the "date in" to be September 19, 2001, instead of September 18, 2001, on the Express Mail Label. However, it is apparent from the enclosed letter from USPS manager Phil Cascio and the enclosed PS Form 5541 that September 18, 2001 is the correct "sign in" date.

Applicant has complied with the requirements of 37 CFR 1.10 and is entitled to a filing date of September 18, 2001. Therefore, please update all of the records in the USPTO to indicate that the filing date of the above-identified application September 18, 2001; and please advise us in writing that the USPTO considers

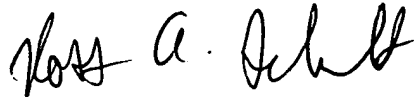
**September 18, 2001**

to be the filing date of the above-identified U.S. application.

Petition Under 37 C.F.R. § 1.10  
U.S. Patent Appln. No. 09/807,779  
Page 3

This correction is not due to any error by the Applicants;  
therefore, no official fee should be due. The Commissioner is  
authorized to charge any additional fees which may be required or  
credit overpayment to deposit account no. 12-0415.

Respectfully submitted,



Ross A. Schmitt  
Reg. No. 42,529  
Attorney for Applicant  
LADAS & PARRY  
5670 Wilshire Boulevard, #2100  
Los Angeles, California 90036  
(323) 934-2300

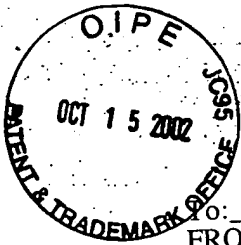
Enclosures: copy of returned postcard  
copy of official filing receipt  
copy of "Response to the NOTIFICATION OF MISSING  
REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED  
STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)"  
Verified statement signed by Karyn Lao  
letter from the Express Mail clerk of the USPS  
with copy of Express Mail label and copy of Pickup  
Service Statement PS Form 5541 returned from the  
USPS

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with  
the United States Postal Service with sufficient postage as first-  
class mail in an envelope addressed to:

Box DAC  
Commissioner for Patents  
Washington, D.C. 20231, on  
October 9, 2002

By:   
Suzanne Johnston



TO: USPD (kl)  
FROM: **COMMISSIONER OF PATENTS  
AND TRADEMARKS**

THE PATENT AND TRADEMARK OFFICE  
MAIL ROOM STAMP HEREON ACKNOWLEDGES  
RECEIPT OF: Response to NOTIFICATION OF  
MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE  
UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) with Certificate  
of Mailing (2 pages); copy of NOTIFICATION OF MISSING REQUIREMENTS  
UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED  
OFFICE (DO/EO/US) dated July 19, 2001 (1 page); copy of Notification of a  
Defective Oath or Declaration dated July 19, 2001 (1 page); executed  
Declaration/Power signed by inventor Frederick A. Epler (5 pages); executed  
Declaration/Power signed by inventor Robert M. Fuller (5 pages); Check No. 13953  
for \$130.00 to cover surcharge; this postcard.

Our reference:  
**B-4141PCT 618624-4**  
Express Mail No.  
**EL915796276US**  
Date mailed:  
**September 18, 2001**

IN CONNECTION WITH:  
**Frederick A. EPLER, et al.**

**JC20 Rec'd PCT/PTO SEP 19 2001**  
**STAMP**

FOR: "ENHANCED CALL WAITING"

U.S. SERIAL NUMBER: 09/807,779



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/807,779	<del>09/19/2004</del> 9/18/2001	2643	230	B-4141PCT	12	19	2

CONFIRMATION NO. 5890

## FILING RECEIPT



\*OC000000006866395\*

Richard P Berg  
Ladas & Parry  
5670 Wilshire Boulevard Suite 2100  
Los Angeles, CA 90036-5679

Date Mailed: 10/11/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Frederick A. Epler, Bellevue, WA;  
Robert M. Fuller, Sammamish, WA;  
Daniel R. Kranzler, Bellevue, WA;  
John T. Blanchard, Seattle, WA;

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Technology Center 2600

## Domestic Priority data as claimed by applicant

THIS APPLICATION IS A 371 OF PCT/US98/22051 10/19/1998

## Foreign Applications

Projected Publication Date: Not Applicable, filed prior to November 29, 2000

Non-Publication Request: No

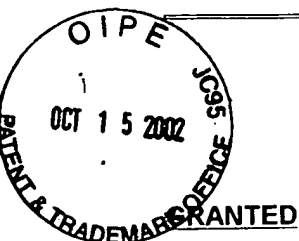
Early Publication Request: No

## Title

Enhanced call waiting

Preliminary Class

379



**LICENSE FOR FOREIGN FILING UNDER**  
**Title 35, United States Code, Section 184**  
**Title 37, Code of Federal Regulations, 5.11 & 5.15**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15 (b).



915796276US

Express Mail No. EL915796276US

IN THE UNITED STATES DESIGNATED/ELECTED OFFICE  
(DO/EO/US)

Applicant(s): Frederick A. EPLER,  
et al.

U.S. Serial No.: 09/807,779

INTERNATIONAL APPLICATION NO.:  
PCT/US98/22051

INTERNATIONAL FILING DATE:  
19 October 1998

For: "ENHANCED CALL WAITING"

Re: RESPONSE TO NOTIFICATION OF  
MISSING REQUIREMENTS UNDER 35 U.S.C.  
371 IN THE UNITED STATES  
DESIGNATED/ELECTED OFFICE  
(DO/EO/US)

Group Art Unit: not yet assigned

Our Ref.: B-4141PCT 618624-4

Date: September 18, 2001

Commissioner for Patents  
BOX PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231

Attn: Ms. Charitta A. Burt, Paralegal  
U.S. National Stage Processing  
PCT International Division

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**NOV 04 2002**

**Technology Center 2600**

Dear Ms. Burt:

In response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) dated July 19, 2001 (copy enclosed) and the Notification of a Defective Oath or Declaration dated July 19, 2001 (copy enclosed), please find enclosed the following:

1. Declaration/Power signed by inventor Frederick A. Epler identifying the application by PCT international application number, and PCT international filing date;
2. Declaration/Power signed by inventor Robert M. Fuller identifying the application by PCT international application number, and PCT international filing date; and
3. Check in the amount of \$130.00 to cover the large-entity surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date.

Letter re: Missing Requirements  
International Appln. No. PCT/US98/22051  
U.S. Serial No. 09/807,779  
September 18, 2001  
Page 2

**AUTHORIZATION TO CHARGE ADDITIONAL FEES**

- [X] The Commissioner is hereby authorized to charge the following additional fees which may be required or credit any overpayment to Account No. 12-0415.
- [X] 37 CFR 1.16 (filing fees and presentation of extra claims)
- [X] 37 CFR 1.17 (application processing fees)
- [ ] 37 CFR 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 CFR 1.311(b)).

Respectfully submitted,



Richard P. Berg  
Attorney for the Applicant  
Registration No.: 28,145  
LADAS & PARRY  
5670 Wilshire Boulevard, Suite 2100  
Los Angeles, California 90036-5679  
Telephone No.: (323) 934-2300  
Facsimile No.: (323) 934-0202

**CERTIFICATION UNDER 37 CFR 1.10**

I hereby certify that this paper and the documents referred to as enclosed therein are being deposited with the United States Postal Service in an Express Mail envelope with sufficient postage for Express Mailing on this date September 18, 2001 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EL915796276US addressed to the:

Commissioner for Patents  
BOX PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231

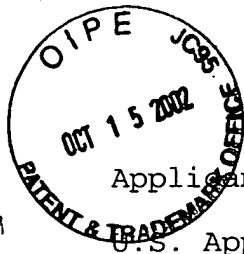
Attn: Ms. Charitta A. Burt, Paralegal  
U.S. National Stage Processing  
PCT International Division



Karyn Lao

Date: September 18, 2001





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Frederick A. Epler, )  
et al. )  
U.S. Appln. No.: 09/807,779 ) Group: 2643  
U.S. Filing Date: September 18, 2001) Examiner: not yet assigned  
(as amended) )  
International Application No: )  
PCT/US98/22051 )  
International Filing Date: ) Our Ref: B-4141PCT 618624-4  
19 October 1998 )  
For: "ENHANCED CALL WAITING" ) Date: October 9, 2002

Box DAC  
Commissioner for Patents  
Washington, D.C. 20231

Sir:

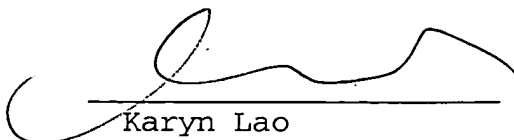
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VERIFICATION

I am the person who mailed the "Response to the NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" pursuant to 37 CFR. 1.10 on September 18, 2001; and I verify that the "Response to the NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" with all of the items required under 35 U.S.C. 371 were deposited with the United States Postal Service in an Express Mail envelope with sufficient postage for Express Mailing on September 18, 2001.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: October 9, 2002

  
Karyn Lao

Manager, Customer Services  
BICENTENNIAL STATION



November 21, 2001

Assistant Commissioner of Patents and Trademarks  
Box New Patent Applications  
Washington, D.C. 20231

To whom it may concern

On September 18, 2001, we, the U.S. Postal Service picked up Express Mail item #EL915796276US from our customer, Ladas & Parry. Regrettably, we mishandled this item and it entered our mailstream on September 19, 2001, a complete day later. Clearly the U.S. Postal Service is responsible for this unfortunate incident, not the sender.

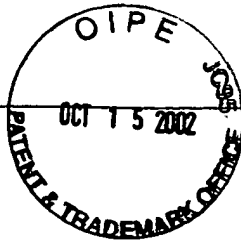
Please accept this letter and copy of the Pickup Service Statement, PS Form 5541, as irrefutable documentation that our customer mailed this item on September 18, 2001.

Sincerely

A handwritten signature in cursive script, appearing to read "Phil Cascio".

Phil Cascio  
Manager, Customer Services  
Bicentennial Station  
323 933-5953

7610 BEVERLY BOULEVARD  
LOS ANGELES, CA 90048-9998  
(323) 933-5953  
FAX: (323) 934-4961



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# Pickup Service Statements for Express Mail, Priority Mail, or Parcel Post

1. Attach Meter Strip or Stamps Here

2. Customer Name and Address (No., Street, Suite No., City, and State)

LAJAS & PARRY  
5670 WILSHIRE BLVD STE 2100  
LOS ANGELES CA 90036-5620

ZIP + 4

9 0 0 3 6 - 5 6 2 0

3.

Express Mail

Quantity

3

Priority Mail

Quantity

Parcel Post

Quantity

4. Custom Design Agreement

CDA No.

5. Method of Payment

☐ Corporate Account

No.

☐ Federal Agency Account

No.

☒ Meter Strip or Stamps  
(Apply fee in Item 1 above)

## 6. Express Mail Label Numbers

Item No.	Express Mail Label Number	Item No.	Express Mail Label Number	Item No.	Express Mail Label Number
1	EL915796276US	6		11	
2	EL896635234US	7		12	
3	EL915796038US	8		13	
4		9		14	
5		10		15	

7. Customer Signature

*Victor Salazar*

8a. USPS Signature

*[Signature]*

8b. Date of Pickup

9-18-01

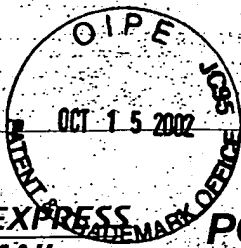
8c. Time of Pickup

3:07 PM

PS Form 5541-C, January 2001

3 - Customer Copy

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Technology Center 2600



**EXPRESS MAIL**

UNITED STATES POSTAL SERVICE®

**POST OFFICE  
TO ADDRESSEE**



EL 915796276 US

**ORIGIN (POSTAL USE ONLY)**

PO ZIP Code <b>90080</b>	Day of Delivery <input type="checkbox"/> Next <input checked="" type="checkbox"/> Second	Flat Rate Envelope <input type="checkbox"/>
Date In <b>9-19-01</b>	<input type="checkbox"/> 12 Noon <input checked="" type="checkbox"/> 3 PM	Postage \$ <b>12.45</b>
Time In <b>01:00</b>	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Return Receipt Fee
Weight <b>2 lbs. 7 ozs.</b>	Int'l Alpha Country Code	COD Fee Insurance Fee
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials <b>LM</b>	Total Postage & Fees \$ <b>12.45</b>

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NO DELIVERY ☐ Weekend ☐ Holiday

Customer Signature

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Federal Agency Acct. No. or  
Postal Service Acct. No.

**FROM: (PLEASE PRINT)**

PHONE **(323) 934-2300**

**LADAS & PARRY  
5670 WILSHIRE BLVD STE 2100  
LOS ANGELES CA 90036-5620**

**B-4141PCT 618624-4**

**TO: (PLEASE PRINT)**

PHONE

**Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231**

**ATTN: Charitta A. Burt, Paralegal  
U.S. National Sage Processing  
PCT International Division**

**FOR PICKUP OR TRACKING CALL 1-800-222-1811**

**www.usps.com**



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